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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Danielle Torres,

Plaintiff,

-against-

Discover Financial Services d/b/a Discover Card,

Defendant.

**COMPLAINT**

NOW COMES Plaintiff, Danielle Torres (“Plaintiff”), by and through her attorneys, and for her Complaint against Defendant, Discover Financial Services d/b/a Discover Card (“Defendant”), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

Parties

2. Plaintiff is a natural person at times relevant residing in North Brunswick, Middlesex County, New Jersey.

3. Defendant is a business entity incorporated in Delaware with an office located in Carol Stream, Illinois.

4. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

Jurisdiction and Venue

5. Subject matter jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

6. Venue is proper pursuant before this Court pursuant to 28 U.S.C. § 1391(b)(2) as the acts and transactions giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transactions business in this district.

Factual Allegations

7. In 2014 Defendant started calling (732) 900-54xx, Plaintiff's cellular telephone.

8. When Plaintiff first answered Defendant's calls, a live person would not be connected to the line.

9. Upon information and belief, Defendant placed these calls using an automatic telephone dialing system or other equipment that hast the capacity to store and/or produce telephone numbers ("dialer").

10. The purpose of Defendant's calls was to collect a debt.

11. These calls were for a non-emergency purpose.

12. Around the end of November 2014, Plaintiff informed one of Defendant's employees to stop calling her.

13. Plaintiff revoked any consent, actual or implied, for Defendant to use a dialer to call her cell phone.

14. Defendant continued to use a dialer to call Plaintiff's cell phone.

15. Between December 5, 2014 and January 9, 2015, Defendant used a dialer to call Plaintiff's cell phone at least one hundred three (103) times.

16. Defendant voluntarily and willfully used a dialer to place these calls.

17. Defendant intended to use a dialer to place these calls.

18. Defendant did not have Plaintiff's express consent to use a dialer to place these calls.

CLAIM FOR RELIEF  
Telephone Consumer Protection Act

19. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

20. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violations of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

(1) Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

- (2) Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
- (3) All court costs, witness fees and other fees incurred;
- (4) Awarding such other and further relief as may be just, proper and equitable.

Certification Pursuant to Local Rule 11.2

Pursuant to Local Rule 11.2, I certify that this matter in controversy is not the subject of any other action pending in any court, arbitration, or administrative proceeding.

Dated: April 6, 2015

RESPECTFULLY SUBMITTED,

By: /s/ Michael Siddons

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